IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y. SOMAYAJULU

-

WRIT PETITION NO : 13791 of 2004

Between:

Smt. Mashetti Saraswathi, W/o Ravinder,
R/o H. No. 1-10-93, Grain Market Road,

Jangaon, Jangaon Mandal, Warangal District.

..... PETITIONER

AND

Nagara Panchayat/ Municipality, Jangaon

represented by the Commissioner, Jangaon,

Warangal District

..... RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondent in not considering the petitioner's application dated 9-1-2004, for alternation of her name in the Assessment Record of the respondent, as per the provisions of A.P. Municipalities Act and Rules made thereunder, as illegal, arbitrary and discriminatory and consequently direct the respondent to consider the application of the petitioner for alteration of ownership of the property in assessment books as per A.P. Municipalities Act and Rules made thereunder forthwith.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondent: Pollisetti Radhakrisha

S.C. for Municipalities

The Court made the following:

ORDER:

The case of the petitioner is that after purchasing property under a registered sale deed she submitted an application on
09-01-2004 to the respondent for mutation of her name in the assessment register, but respondent is not taking action thereon on the ground that the Collector in his proceedings dated
14-06-2001 directed the Sub-Registrar, Jangaon, not to register deeds in respect of land in Survey Nos.87, 88, 89, 146, 158, 159, and 160 of Jangaon.

Heard both sides.

Merely because the Collector issued proceedings to the Sub-Registrar, not to register the documents, the Municipality cannot refrain from considering the application of the petitioner for mutation, because in Section 22-A of the Registration Act, 1908, only the State Government, but not the Collector can issue a notification with regard to registration of documents or class of documents, which are opposed to public policy. So, when an application for mutation is received by it, that too on the basis of a registered document the Municipality is bound to consider the application as per the provisions of the Alteration of Ownership of Property in Assessment Books Rules, 1966
('1966 Rules'), issued in G.O.Ms.No.1059, Municipal Administration, 15th December 1966, as amended by G.O.Ms.No.517, dated 04-10-1974, A.P.G.G. R.S.P.I. dated 31-10-1974.

So, with a direction to the respondent to consider and dispose of the application of

the petitioner as per 1966 Rules, as expeditiously as possible, at any rate, within a period of two months, from the date of receipt of a copy of this order,

the writ petition is disposed of. No costs.

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C.Y. SOMAYAJULU, J

03rd February, 2005

lsn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner,

Nagara Panchayat/ Municipality, Jangaon.

Warangal District.

2. Two CD copies.